United Nations A/58/745–S/2004/235

General Assembly
Security Council

Distr.: General
23 March 2004
English
Original: Spanish

General Assembly
Fifty-eighth session
Agenda items 117 and 156

Human rights questions

Measures to eliminate international terrorism

Security Council
Fifty-ninth year

Letter dated 23 March 2004 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

I am writing to lodge a formal complaint with the United Nations concerning the presence of the notorious terrorist of Cuban origin, Luis Zúñiga Rey, in the official delegation of the United States to the sixtieth session of the Commission on Human Rights currently meeting in Geneva.

The attitude taken by the Government of the United States is paradoxical at a time when the images of the terrorist attacks in Madrid on 11 March 2004, which cost the lives of more than 200 persons, are fresh in everyone's mind.

It is a real insult and total lack of respect to those legitimately struggling against terrorism for that forum to include, under the guise of diplomat and member of one of its delegations, an individual with a widely recognized criminal record, as stated in the report of the United Nations Special Rapporteur on mercenaries, Mr. Enrique Bernales Ballesteros, submitted to the Commission itself in 1999 (E/CN.4/2000/14).

In the report, the Special Rapporteur refers to Luis Zúñiga Rey, of Cuban origin and living in Miami, as a member of the secret security wing of the so-called Cuban-American National Foundation, a paramilitary group.

According to Mr. Bernales Ballesteros' 1999 report, Zúñiga Rey recruited a Guatemalan citizen, Percy Francisco Alvarado Godoy, to do research in Cuba to identify vulnerable points that could be targets for possible terrorist attacks, such as hotels, thermal electric power plants and oil refineries.

Mr. Zúñiga Rey's attempts were thwarted because Alvarado Godoy turned out to be a Cuban State Security agent.

04-27994 (E) 250304 250304

The person currently occupying a seat in the delegation of the United States left Cuba illegally in 1973 via the Guantánamo Bay Naval Base, and on arriving in Miami joined a Central Intelligence Agency operation involving a plan for infiltrating into Cuban territory to carry out acts of sabotage and assassination attempts on the lives of the country's leaders.

The plan was frustrated by the Cuban authorities in August 1974. Zúñiga Rey was arrested, in possession of explosives and weapons. He was tried by the competent court and sentenced to 25 years' imprisonment, of which he had served only 14 when he was released in 1988. On his return to the United States he sought out the Cuban-American National Foundation and became directly or indirectly involved in the planting of bombs in Havana hotels and other terrorist actions in Cuban hospitals.

The decision of the Government of the United States to include Luis Zúñiga Rey as a member of its official delegation to the current session of the Commission on Human Rights in Geneva is not only a sign of disrespect for the United Nations; the presence of an individual with such a background jeopardizes the security of that body and all the delegates currently participating in the work of its sixtieth session.

What value does the Commission on Human Rights place on the report submitted in 1999 by the Special Rapporteur on mercenaries, Mr. Enrique Bernales Ballesteros?

Is it possible that, five years after the report was submitted to that body, it is considered a dead letter and a joke by the delegation of a member State that considers itself to be the standard-bearer in global action to combat international terrorism?

Can we remain silent at the presence of an individual with such a criminal and terrorist background in a body whose fundamental objective has until now been the struggle for the full implementation of human rights?

It is Cuba's hope that the Chairperson of the sixtieth session of the Commission on Human Rights will decide on appropriate measures to deal with such an unsuitable delegate, and act accordingly. To accept Zúñiga Rey's presence as normal would amount to glorifying terrorism instead of combating it and would send an erroneous message, one of complicity and of impunity for convicted perpetrators of terrorist acts.

The delegation of Cuba is prepared to provide more details about this known terrorist and his previous activities.

In view of the need to condemn this repugnant development in an appropriate manner and alert member States to this treachery, I should be grateful if you would arrange for this letter to be distributed as a document of the General Assembly and of the Security Council.

(*Signed*) Orlando **Requeijo Gual**
Ambassador
Permanent Representative